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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,110	12/28/1998	MONICA PATEL	91436-139	5133
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WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512				
			EXAMINER HARPER, KEVIN C	
			ART UNIT 2666	PAPER NUMBER 15

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/221,110

Applicant(s)

PATEL ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments, see Paper No. 14, filed November 3, 2003, with respect to claims 1-17 have been fully considered and are persuasive. The rejection of these claims has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Erb et al., Rutkowski et al., and Raymond et al.

Drawings

1. Figure 1 is objected to because item 10 should be labeled "switch" as noted in the specification, page 5. Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance. (note: in the previous Office Action, a proposed drawing correction was approved; however, the objection to the drawings cannot be overcome until corrected drawings are filed).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-8 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Erb et al. (US 6,246,678).

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2. Regarding claim 1, 4-5, 7 and 15-17, Erb discloses a method of requesting operations and management data from a telephony switch (Figure 1, item 20, 42 or 52) at a computing device (item 10; Figures 2-3; col. 8, lines 6-20; col. 36, lines 13-27) over a packet switched network (Figure 1, item 30) separate from a public switched network (col. 2, lines 52-60). The method comprises establishing a connection between the computing device and the telephony switch (Figure 3B, steps 132c and 133a) and forming and forwarding to the telephony switch a packet that includes an inherent network address identifying the telephony switch on the packet switched network and an inherent network address identifying the computing device (Figure 1, item 30; col. 5, lines 5-18; note: standardized Ethernet and IP packets contain a source address and a destination address to facilitate two-way communication), a first message identifier that identifies the message as a data request message (Figure 3A, item 134a and Figure 3B, item 135; note: a packet containing a write command is identified as such - Figure 3C, item 141a and Figure 3D, item 142), and a second message identifier identifying a type of operations and management data requested from the telephony switch (col. 8, lines 6-20; col. 36, lines 13-27). Further regarding claims 15-17, the network devices have instructions on processor readable memory for performing the method (Figure 2A, items 120, 114, 116, 118, 124 and 126).

3. Regarding claim 6, the connection is established by way of an intermediate computing platform (Figure 1, items 46 or 48; col. 5, lines 12-18).

4. Regarding claim 8, the Ethernet address of the telephony switch is inherently alphanumeric (col. 5, lines 8-9).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erb et al., as applied to claims 1 or 7, above, and further in view of Rutkowski et al. (US 5,826,270).

5. Regarding claims 2 and 9, Erb does not disclose providing a security token allowing the telephony switch to authenticate the computing device. Rutkowski discloses requiring a user to provide a name and security token in order to securely gain access to a server resource (col. 29, lines 31-37). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to authenticate a user requesting access to a system resource in the invention of Erb.

6. Regarding claims 3 and 10, Erb discloses a session request (Figure 3A, item 132c) and a session request reply (Figure 3B, steps 133a and 133b; Figure 3A, step 133c), but does not disclose specifically a login request and a login reply. Rutkowski discloses requiring a user to provide a name and security token in order to securely gain access to a server resource (col. 29, lines 31-37). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to authenticate a user requesting access to a system resource in the invention of Erb.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erb et al. (US 6,246,678) in view of Raymond et al. (US 6,108,097).

7. Regarding claim 11, Erb discloses exchanging operations and management data between a telephony switch and a computing device (Figure 2A; abstract, lines 1-5) by establishing a connection over a packet network (Figure 1, item 30) and exchanging operations and management data over the first connection (Figure 3A-3D). However, Erb does not disclose that a operations

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and management data having a second priority is exchanged over a second network connection.

Raymond discloses transferring secondary information over a second connection concurrent with exchanging primary information over a first connection (Figure 2; col. 9, lines 53-62). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit lower priority information over a second connection in the invention of Erb in order to provide a dedicated path for ancillary information.

8. Regarding claims 12-14, the network of Erb uses TCP/IP (Figure 1, item 30) which inherently encapsulates data with a network header so that the data is routed to its destination properly.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



January 22, 2004

Seema S. Rao
SEEMA S. RAO 1/23/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600